

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. FAA-99-5926; Notice No. 99-11]

RIN 2120-AG74

**Modification of the Dimensions of the Grand Canyon National Park  
Special Flight Rules Area and Flight Free Zones.**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the special operating rules and airspace for all persons operating aircraft in the airspace designated as the Grand Canyon Special Flight Rules Area (SFRA). Specifically, this action proposes to modify the eastern portion of the SFRA and the Desert View Flight-free Zone (FFZ) to address concerns raised by Native Americans; modify the Bright Angel FFZ to provide a provisional corridor to be available at a future date for noise efficient/quiet technology aircraft; modify the Sanup FFZ to provide for a planned revision to a commercial route over the northwestern section of the Grand Canyon National Park (GCNP); and provide for an additional commercial route over the northern section of the Sanup plateau for those aircraft transiting between Las Vegas, Nevada and Tusayan, Arizona. The FAA is taking this action as part of a continuing effort to assist the National Park Service in fulfilling its statutory

mandate of providing for the substantial restoration of the natural quiet and experience in GCNP.

**DATES:** Comments must be received on or before September 7, 1999..

**ADDRESSES:** Comments on this NPRM should be mailed in triplicate to: U.S. Department of Transportation Dockets, Docket No. FAA-99-5926, 400 Seventh Street, SW., Washington DC, 20590. Comments may also be sent electronically to the Rules Docket by using the following Internet address: 9-NPRM-CMTS@faa.gov. Comments must be marked Docket No. FAA-99-5926. Comments may be filed and examined in Room Plaza 401 on weekdays, except Federal holidays, between 10:00 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Joseph C. White, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783. For the draft Environmental Assessment contact Tina Hunter, Environmental Affairs Division, ATA-300, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, 20591; telephone: (202) 267-7685.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that may result from adopting the proposals in this notice are also invited. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Communications should identify the regulatory docket number and be submitted in triplicate to the address listed above. All communications and a report summarizing any substantive public contact with FAA personnel on this rulemaking will be filed in the docket. The docket is available for public inspection both before and after the closing date for receiving comments.

Before taking any final action on this proposal, the Administrator will consider all comments made on or before the closing date for comments, and the proposal may be changed in light of the comments received. Late filed comments will be considered to the extent possible without incurring expense or delay.

The FAA will acknowledge receipt of a comment if the commenter includes a self-addressed, stamped postcard with the comment. The postcard should be marked "Comments to Docket No. FAA-99-5926." When the comment is received, the postcard will be date stamped and mailed to the commenter.

#### **Availability of This NPRM**

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: (703)321-3339) or the Federal Register's electronic bulletin board service (telephone: (202)512-1661). Internet users may reach the FAA's web page at <http://www.faa.gov/avr/arm/nprm/nprm.htm> or the Federal Register's web page at [http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs) for access to recently published rulemaking documents.

Any person may also obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Rulemaking, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9680. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

**Public Meetings**

The FAA intends to hold two public meetings to provide interested persons an additional opportunity to comment on this proposal. The details pertaining to the public meetings will be announced in the notice section of the Federal Register. For more information, contact Linda Williams at (202) 267-9685 or by email at [linda.l.williams@faa.gov](mailto:linda.l.williams@faa.gov)

**Background**

On December 31, 1996, the FAA published a final rule amending part 93 of the Federal Aviation Regulations by adding a new subpart to codify the provisions of Special Federal Aviation Regulation (SFAR) No. 50-2, Special Flight Rules in the Vicinity of GCNP; modifying the dimension of the GCNP SFRA; establishing new and modifying existing flight corridors and FFZs; establishing reporting requirements for commercial sightseeing companies operating in the SFRA; restricting flights in the Zuni Point and Dragon Corridors during certain time periods (curfews); and limiting the number of aircraft that can be used for commercial sightseeing operations in the GCNP SFRA (aircraft cap)

(61 FR 69302). The provisions contained in the final rule were to become effective on May 1, 1997.

Published concurrently with the final rule on December 31, 1996, was a notice of proposed rulemaking (NPRM) on noise limitations for aircraft operations in the vicinity of GCNP (noise efficient/quiet technology NPRM) and a notice of availability of proposed routes. All three of the above referenced actions comprise an overall strategy to further reduce the impact of aircraft noise on the park environment and to assist the National Park Service (NPS) in achieving its statutory mandate, imposed by Public Law 100-91, to provide for the substantial restoration of natural quiet and experience in GCNP.

On February 21, 1997, the FAA delayed the effective date for the expansion of the FFZs, the air tour routes, and other related airspace provisions of the rule until January 31, 1998 (62 FR 8861; February 26, 1997). However, this action did not affect or delay implementation of the curfew, aircraft cap, or the reporting requirements of the final rule, which became effective on May 1, 1997.

On December 17, 1997, the FAA took action to further delay the implementation of the above mentioned sections of the final rule and to further extend certain portions of SFAR 50-2 until January 31, 1999 (62 FR 66248). On December 7, 1998, the FAA again took action to further delay implementation of the above mentioned

sections and to extend certain portions of SFAR 50-2 until January 31, 2000 (63 FR 67544).

### **Recent Actions**

On May 15, 1997, the FAA published a Notice of Availability of Proposed Routes and a companion NPRM (Notice No. 97-6) that proposed two noise efficient/quiet technology incentive corridors over the GCNP (62 FR 26901). The first corridor, through the Bright Angel FFZ, was planned for use by noise efficient/quiet technology aircraft use only. The second corridor, through National Canyon, was planned for use by noise efficient/quiet technology aircraft westbound after December 31, 2001. The FAA, in consultation with the NPS, determined not to proceed with a corridor through National Canyon. The FAA received suggestions for alterations and refinements from officials of the GCNP and NPS that could potentially produce noise reductions. Based on comments from environmentalists, Native Americans, and air tour operators, the FAA was led to conclude that the National Canyon air tour route was not a viable option. This proposal was subsequently withdrawn in July 1998, along with the quiet technology NPRM's proposal for a route through the central portion of GCNP. Due to resource constraints, the FAA has not been able to prepare a disposition of the comments received in response to Notice 97-6. The FAA plans to summarize those

comments and publish a disposition of comments document in the Federal Register.

## **The Proposal**

### Special Flight Rules Area and Desert View FFZ

In this action, the FAA is proposing to modify the Grand Canyon SFRA by moving the eastern boundary five (5) nautical miles to the east. The FAA is also proposing to modify the Desert View FFZ by moving the eastern boundary five (5) nautical miles to the east.

The current design of the eastern portion of the SFRA and the Desert View FFZ allows entry and exit as well as travel over several Traditional Cultural Properties (TCP) on the eastern side of the Grand Canyon National Park, of importance to the Zuni, Hopi, and Navajo Tribes. These sites were identified through consultation with affected tribes in accordance with Section 106 of the National Historic Preservation Act (NHPA). The specific locations of the TCP are not identified pursuant to section 304 of the NHPA which provides for confidentiality of cultural and religious sites. The proposed expansion of the Desert View FFZ and associated proposed changes to the SFRA would provide mitigation of impacts on the TCP in accordance with Section 106 requirements.



### Bright Angel Flight-free Zone

The FAA is proposing to reinstate the provisional incentive corridor, one nautical mile in width, through the Bright Angel FFZ to be used at some future date only by aircraft meeting a noise efficiency/quiet technology standard. The FAA acknowledges that currently no standard for noise efficient/quiet technology aircraft exists. Both the FAA and NPS are anticipating, however, that such a standard will be developed in the future. Readers must understand that until such a standard is developed and adopted, that the Bright Angel incentive corridor will not be available for commercial operations. The FAA and NPS find that it is of value, however, for commenters to have the opportunity to comment on the merit of this specific proposal.

This proposed incentive corridor would pass through the Bright Angel FFZ along the northern boundary of the current Bright Angel FFZ as defined in SFAR 50-2. Even without a standard, it is intuitively clear that the proposed Bright Angel Corridor would have a three-fold benefit. First, fewer aircraft would be flying over the northern rim of the canyon along the Saddle Mountain Wilderness Area, where the NPS and U.S. Forest Service have indicated that noise-sensitive activity regularly occurs. Second, noise from the air tour aircraft would be dispersed between the northern boundary of the Bright Angel FFZ and the proposed incentive corridor, thereby reducing the level of concentrated aircraft noise along any one route. Third, opening

this corridor only to aircraft that could meet the noise efficiency/quiet technology standard, yet to be developed, would provide a valuable and tangible incentive for the air tour operators to convert to quieter aircraft. The GCNP could thereby experience the benefit of a reduction in the level of aircraft noise over time.

#### Sanup Flight-free Zone

The FAA is proposing to modify the Sanup FFZ to continue to provide for a commercial route over the northwestern section of the GCNP and to provide for an additional commercial route between the vicinity of Las Vegas, Nevada and Tusayan, Arizona. As discussed in the preamble to the December 1996 final rule (61 FR 69302), the Blue 1 and Blue 1A routes were eliminated due to environmental and Native American concerns. Concurrently, the noise limitations NPRM included a corridor to permit routes through National Canyon to continue with noise efficient/quiet technology aircraft. Since the FAA did not finalize the NPRM and delayed the effective date for the December 1996 final rule and extended certain portions of SFAR 50-2 until January 31, 2000, they are still in use. With the elimination of the Blue 1 and Blue 1A, the FAA anticipates that aircraft operating on these routes would move to the Blue Direct, which may be renamed Blue Direct North (BDN), thus increasing operations on the route. The Blue Direct South (BDS) route was eliminated from the December

1996 and April 1997 route maps. Therefore, to accommodate safely the expected increase in operations moving from the Blue 1 and Blue 1A, the FAA plans to restore and modify the BDS route. The FAA recognizes that increased aircraft operations on BDS would be over the northern portion of the newly created Sanup FFZ (December 1996 final rule), at altitudes less than 3,000 feet above the elevation of some areas of the Sanup plateau. At this altitude, these aircraft operations may have a noise impact. It is with this in mind that the FAA believes that the northern portion of the Sanup FFZ, that would lie beneath BDS, should be eliminated from the FFZ to accommodate safely an additional route between Tusayan, Arizona and Las Vegas, Nevada. Therefore, the FAA is proposing to modify the Sanup FFZ by moving the northern portion of the FFZ south approximately one mile south of the BDS route.

Additionally, to provide for a proposed revision of the current Blue 2 commercial route over the northwestern portion of the GCNP, the FAA is proposing to modify the Sanup FFZ by moving the northwestern portion of the FFZ east approximately one mile east of the Blue 2 route.

Information on the proposed commercial routes for the Grand Canyon SFRA can be obtained through instructions in a Notice of Availability that will be published concurrently with this proposed rulemaking effort. In addition, the alternatives

considered are more fully discussed in the Environmental Assessment for these rulemaking/nonrulemaking efforts.

#### **ECONOMIC SUMMARY**

Any changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. A regulatory evaluation of the proposal is in the docket.

Because of the continued high public interest surrounding GCNP regulations and the potential implications within a small locality, the FAA has determined that this notice of proposed rulemaking is considered a significant regulatory action under 3(f) of Executive Order 12866 and, therefore, is subject to review by the Office of Management and Budget. This notice is considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034; February 26, 1979). The FAA, however, has determined that this NPRM would not have a significant economic impact on a substantial number of small entities (commercial air tour

operators conducting flights within Grand Canyon National Park), and does not warrant further regulatory flexibility action. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule would not have a significant economic impact on a substantial number of small entities.

This NPRM would not have a significant impact on international trade.

## **Introduction**

The FAA proposes to modify the Grand Canyon National Park (GCNP) Special Flight Rules Area (SFRA) and three Flight-free Zones (FFZs). The eastern boundaries of the SFRA and the Desert View FFZ would each be moved five (5) nautical miles to the east, respectively. The FAA also proposes to modify the Bright Angel FFZ to provide an incentive corridor, one nautical mile in width, for use at some time in the future by only the most noise efficient/quiet technology aircraft. Finally, the FAA proposes to modify the Sanup FFZ to continue to provide for a commercial air tour route over the northwestern section of the GCNP.

## **Costs**

Costs associated with the reconfiguration of the Desert View and Bright Angel FFZs, as described in 14 CFR §93.305, were

accounted for in the December 31, 1996 final rule (61 FR 69302), hereafter referred to as the Final Rule. This analysis, therefore, is concerned only with the costs associated with the currently proposed modifications to the reconfigurations.

14 CFR §93.317 requires each operator (effective May 1, 1997) to report to the FAA the following commercial air tour activity for each flight conducted in the Grand Canyon SFRA: 1) routes flown; 2) departure airport, date and time; and 3) aircraft registration number. Based on the operator reports, the FAA has developed a database for the time period May 1997 through April 1998, the first full year of operator reporting. The information developed in the database forms the basis, or baseline, for the following economic analysis.

#### Special Flight Rules Area and Desert View Flight-free Zone

The Black 2E and Green 3E routes are the only air tour routes that would be affected by the eastward shifts of the SFRA and the Desert View FFZ. During the baseline period, three operators conducted 577 air tours that would likely use the Black 2E route. The combined estimated gross operating revenue of these three operators for tours which would use the Black 2E route was about \$825,000; net operating revenue adjusted for variable operating costs was \$496,000.

The FAA believes that a shift in the Black 2E route eastward resulting from the eastward shift in the SFRA and Desert View FFZ

by 5 nautical miles would serve only to realign the access/approach to the Black 2 tour route. It would not alter the tour offerings of the individual operator, and any changes in the operator's variable operating costs resulting from adding 5 nautical miles to the overall air tour (about 2-3 minutes) are small. Similarly, the FAA believes there will be little impact on the three operators entering the SFRA on the Black 2E route to conduct air tours of the Canyon. Therefore, the FAA concludes that this part of the proposed rulemaking is non-significant and requests comments.

#### Bright Angel Flight-free Zone:

In the Final Rule, the FAA determined that the increase in average annual variable operating costs associated with the expansion of the Bright Angel FFZ was just over \$1 million. FAA argued that these costs could be passed onto the consumer as higher ticket prices so long as all operators were similarly confronted by higher variable operating costs. The FAA concluded, therefore, that no net operating losses would be borne by GCNP air tour operators. The full societal cost of the increase in variable operating costs would be reflected in higher commercial air tour prices and would be borne by the consumer.

This NPRM proposes to re-open a provisional flight corridor (incentive corridor) along the routes that are currently depicted on the Grand Canyon VFR Aeronautical Chart as the Green 1A and

Black 1A, or Alpha routes. This corridor would be available at some future date only to noise efficient/quiet technology aircraft. Currently, the FAA and the NPS have not defined a standard for what is a noise efficient/quiet technology aircraft. Consequently, the route will not be available for immediate use. However, for the purpose of this cost analysis, the FAA has assumed that one or more operator(s) may use aircraft that meet the above standard, and that this (these) operator(s) could use the corridor and thereby benefit from no increase in variable operating costs.

The FAA believes that the operator(s) assumed to be permitted to conduct air tours on the incentive route would continue to conduct air tours along the Black 1A route or Green 1A route as per usual business practice, and thus would avoid the higher variable operating costs facing competitors. The FAA assumes cost relief would accrue to the operator(s) conducting air tours in noise efficient/quiet technology aircraft. By holding constant the price of the "Black 1, 1A" air tour or "Green 1, 1A" air tour, this (these) operator(s) could become the price setter(s), and some of their competitors conducting commercial air tours along other, longer tour routes may be required to absorb the increased variable operating costs to remain price competitive. The FAA estimates, however, that only one (or two) of these operators would have to maintain the current price in the face of rising variable operating costs. The amount of cost



transfer from consumers of air tours to this operator over the 1999-2008 time period would depend on which operator (or operators) ultimately introduce quiet aircraft. A discussion of this expectation is presented in a section summarizing the "Initial Regulatory Flexibility Analysis" below.

#### Sanup Flight-free Zone:

The Sanup FFZ would be altered to accommodate other proposed FAA action contained in the concurrent Notice of Route Availability, thereby providing current commercial air tour traffic using the Blue 1, Blue Direct and Blue Direct South routes a commercial air tour route. The FAA has identified no costs associated with the alteration of the Sanup FFZ.

#### **Cost Summary**

The FAA estimates that any costs associated with the eastward expansion of the SFAR and Desert View FFZ 5 nautical miles would be non-significant. Also, the FAA determines that the proposed modification to the Sanup FFZ would result in no additional costs. However, the FAA estimates the cost impact of the proposed Bright Angel FFZ incentive corridor could result in some reduction in average annual variable operating costs and accompanying price increases previously estimated in the Final Rule. In addition, some of the remaining cost burden previously

estimated in the Final Rule would shift from air tour consumers to one or two air tour operators.

### **Benefits**

The benefits associated with this NPRM include the following:

- 1) the potential reduction in the impact of air tours over Traditional Cultural Properties as a result of the proposed modification of the eastern portion of the SFRA and the Desert View FFZ;
- 2) a reduction in the number of aircraft flying over the northern rim of the canyon along Saddle Mountain as a consequence of the proposed incentive corridor, which could result in some dispersal of noise from air tour aircraft over an area the NPS has pointed out as noise sensitive ; and
- 3) the provision of an incentive for the air tour operators to convert to quieter aircraft. The particular groups that would benefit most from this rulemaking action are Native Americans and some of the operators and consumers of GCNP commercial air tours.

The establishment of the proposed corridor for noise efficient/quiet technology aircraft through the Bright Angel FFZ along the "Alpha" routes would mitigate some of the potential adverse effects created by the consolidation of aircraft overflight noise at the northern edge of the expanded FFZ as described in the Final Rule. Furthermore, to the extent the consumer perceives the current shorter, more established commercial air tour through the proposed incentive corridor as

having a greater value, then demand for these tours conducted in the more noise efficient/quiet technology aircraft would increase. Concurrently, demand for the longer commercial air tours that are conducted in less noise efficient/quiet technology aircraft could decrease. In combination, the two potential outcomes of this proposed rulemaking could create a significant incentive for operators of non-qualifying aircraft to convert to quieter aircraft.

The expansion of the eastern boundary of the SFRA and the Desert View FFZ redress certain concerns of the Native Americans in that area while at the same time imposing no perceived additional costs on operators.

#### **Benefit/Cost Comparison**

The FAA has determined that the three proposed modifications could result in net cost savings for some commercial air tour operators while one or two operators could be forced to absorb cost increases associated with the Final Rule. However, there will be no significant net increase in societal costs, only redistribution between producers and consumers of Grand Canyon air tours. This rulemaking would result in a potential reduction of noise over Native American Traditional Cultural Properties and a potential reduction of noise over the sensitive northern rim of the Canyon along Saddle Mountain, and would provide an incentive for air tour operators to convert to quieter aircraft.

## **Initial Regulatory Flexibility Analysis**

The Regulatory Flexibility Act of 1980 establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation." To achieve that principal, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act. However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and an RFA is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

Ten operators (7 fixed-wing; 3 helicopter) conducted air tours during the base period of May 1997-April 1998 along routes that

would be affected by the proposed incentive corridor modification to the Bright Angel FFZ. In the regulatory evaluation, the FAA assumed that one or more operators of aircraft that qualified for operating on the incentive route might avoid the estimated increase in variable operating costs determined in the Final Rule, and therefore, would not have to raise ticket prices to offset higher costs.

The FAA believes that if the above qualifying operators use fixed-wing aircraft and operate out of Tusayan, then the helicopter operators at Tusayan could continue to pass the increase in variable operating costs resulting from the expansion of the Bright Angel FFZ accounted for in the Final Rule onto the consumer as higher prices, and would not be impacted by the proposed rulemaking. The three helicopter operators have been able to maintain their air tour fares twice that of the fixed-wing operators in a declining market for East-end air tours. This suggests that helicopters and fixed-wing operators are not close competitors in the East-end GCNP market.

Of the fixed-wing operators conducting air tours in non-qualifying aircraft in competition with the above qualifying fixed-wing operators, two ceased operating as Grand Canyon air tour operators during the baseline period May 1997-April 1998. Therefore, this rulemaking would no longer be applicable to them. A third operator conducted 10 "Black 1, 1A" air tours during the baseline period, but this accounted for only one one-thousandth

of this operator's total Grand Canyon air tour business. The FAA believes that this operator would not be affected by this rulemaking. Another operator, originating out of Phoenix, AZ, is the only remaining operator providing a Grand Canyon air tour service from the Phoenix market. Furthermore, this operator includes the "Black 1, 1A" tour only as a part of a more comprehensive air tour, the price for which is 3 to 4 times the "Black 1, 1A" air tour as offered by the other operators. Therefore, this operator, because of a captured market and exclusive tour offering, would likely be able to pass on the increase in variable operating costs to customers without consequence, and thus, would not be impacted by this NPRM, either.

One fixed-wing aircraft operator also conducts helicopter tours in the East-end of the Canyon in addition to the fixed-wing "Black 1, 1A" tour during the baseline period. The price of this operator's helicopter tours, however, are at the low end (\$150) of the price range, and the portion of his total air tour business represented by his fixed-wing "Black 1, 1A" tour is only about 17 percent. If this operator were to redistribute the per passenger increase in variable operating costs for his fixed-wing customers to his helicopter customers (cross-subsidy), it would add about \$1.35 to the ticket price of the helicopter air tour, and this operator would still be a below market price for a helicopter air tour on the East-end.

The remaining fixed-wing operator(s) conducting "Black 1, 1A" air tours in non-qualifying aircraft on the East-end of the Canyon, could be significantly affected by the introduction of quiet aircraft by a competitor, in that the increased operating costs imposed by the Final Rule may no longer be passed onto the customers because of the operator(s) who may be able to operate in the incentive corridor established by this proposal. This cost could be as much as \$7 per passenger. The FAA does not consider one or two small operators to be a substantial number of small operators significantly impacted by this proposed rule.

The FAA believes that if the qualifying operator(s) use helicopters and operate out of Tusayan, then the fixed-wing operators could continue to pass the increase in variable operating costs resulting from the expansion of the Bright Angel FFZ in the Final Rule onto the consumer as higher prices, and the (these) remaining helicopter operator(s) would not be impacted by the proposed rulemaking (in the East-end market, helicopter operators and fixed-wing operators are not close competitors). The remaining non-qualifying helicopter operator(s) at Tusayan could be significantly affected by competition from the qualifying helicopter operator(s) in that the increased operating costs imposed by the 1996 final rule may no longer be passed onto the customers. The FAA does not consider one or two small operators to be a substantial number of small operators significantly impacted by this proposed rule.

Last, the FAA believes that if a qualifying operator operates from an airport other than Tusayan, the remaining East-end operators could continue to pass the increase in variable operating costs resulting from the expansion of the Bright Angel FFZ accounted for in the Final Rule onto the consumer. The remaining operators are located at different airports and would not be in direct competition with the qualifying operator.

Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule would not have a significant economic impact on a substantial number of small entities. The FAA solicits comments from affected entities with respect to this finding and determination.

### **International Trade Impact Assessment**

The FAA has determined that the proposed rulemaking would have no affect on non-U.S. operators of foreign aircraft operating outside the United States nor would it have an affect on U.S. trade or trade relations. However, because the proposed rulemaking has been determined to be cost beneficial to commercial air operators and a large proportion of GCNP commercial air tour passengers are foreign, it could have a positive affect on foreign tourism in the U.S. The FAA cannot put a dollar value on the potential gain in commercial air tour



revenue associated with possible increases in foreign tour dollars.

### **Environmental Review**

The FAA is preparing a draft supplemental environmental assessment (EA) for this proposed action to ensure conformance with the National Environmental Policy Act of 1969 and other applicable environmental laws. The draft supplemental EA indicates that this NPRM, the companion air tour limitation NPRM, and revised air tour routes on the western end of the Sanup would result in 41.3% of the GCNP achieving natural quiet 75% of the time by 2008.

Copies of the draft supplemental EA will be circulated to interested parties and placed in the docket, where it will be available for review.

The proposed rule is premised on the National Park Service's noise evaluation methodology for GCNP, which was published in the Federal Register on January 26, 1999 (64 FR 3969). The NPS is reviewing comments submitted in response to that notice. If, on completion of that review, the NPS determines not to adopt the methodology described in the notice (such as the two-zone system and accompanying noise thresholds), the FAA will reevaluate the proposal and draft Supplemental Environmental Assessment in light of whatever final action is taken by the NPS.

**Federalism Implications**

This proposed rule would not have substantial effects on the States, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12866, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13), there are no requirements for information collection associated with the proposed regulation.

**List of Subjects in 14 CFR Part 93**

Air traffic control, Airports, Navigation (air), Reporting and recordkeeping requirements.

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 93 of Title 14, Chapter 1, Code of Federal Regulations as follows:

# **PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS**

1. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719, 46301.

2. Section 93.301 is revised as follows:

## **Subpart U—Special Flight Rules in the Vicinity of Grand Canyon National Park, AZ**

### **§ 93.301 Applicability.**

This subpart prescribes special operating rules for all persons operating aircraft in the following airspace, designated as the Grand Canyon National Park Special Flight Rules Area: That airspace extending from the surface up to but not including 18,000 feet MSL within an area bounded by a line beginning at Lat. 35°55'12" N., Long. 112°04'05" W.; east to Lat. 35°55'38" N., Long. 111°36'03" W.; north to Lat. 36°15'30" N., Long. 111°36'06" W.; to Lat. 36°24'49" N., Long. 111°47'45" W.; to Lat. 36°52'23" N., Long. 111°33'10" W.; west-northwest to Lat. 36°53'37" N., Long. 111°38'29" W.; southwest to Lat. 36°35'02" N., Long. 111°53'28" W.; to Lat. 36°21'30" N., Long. 112°00'03" W.; west-northwest to Lat. 36°30'30" N., Long. 112°35'59" W.; southwest to Lat. 36°24'46" N., Long. 112°51'10" W.; thence west along the boundary of Grand Canyon National Park (GCNP) to Lat. 36°14'08" N., Long. 113°10'07" W.; west-southwest to Lat. 36°09'50" N., Long. 114°01'53" W.; southeast to Lat. 36°06'24"

N., Long. 113°58'46" W.; thence south along the boundary of GCNP to Lat. 36°00'23" N., Long. 113°54'11" W.; northeast to Lat. 36°02'14" N., Long. 113°50'16" W.; to Lat. 36°02'16" N., Long. 113°48'08" W.; thence southeast along the boundary of GCNP to Lat. 35°58'09" N., Long. 113°45'04" W.; southwest to Lat. 35°54'48" N., Long. 113°50'24" W.; southeast to Lat. 35°41'01" N., Long. 113°35'27" W.; thence clockwise via the 4.2-nautical mile radius of the Peach Springs VORTAC to Lat. 35°28'53" N., Long. 113°27'49" W.; northeast to Lat. 35°42'58" N., Long. 113°10'57" W.; north to Lat. 35°57'51" N., Long. 113°11'06" W.; east to Lat. 35°57'44" N., Long. 112°14'04" W.; thence clockwise via the 4.3-nautical mile radius of the Grand Canyon National Park Airport reference point (Lat. 35°57'08" N., Long. 112°08'49" W.) to the point of origin.

3. Section 93.305 is amended by revising paragraph (a), by adding a new sentence to the end of paragraph (b), and by revising paragraph (d) to read as follows:

**§ 93.305 Flight-free zones and flight corridors.**

\* \* \* \* \*

(a) Desert View Flight-free Zone. That airspace extending from the surface up to but not including 14,500 feet MSL within an area bounded by a line beginning at Lat. 35°59'58" N., Long. 111°52'47" W.; thence east to Lat. 36°00'00" N., Long. 111°51'04" W.; thence north to 36°00'24" N., Long. 111°51'04" W.; thence east to 36°00'24" N., Long. 111°45'44" W.; continue east to 36°00'24" N.,

Long. 111°39'34" W.; thence north to 36°12'35" N., Long. 111°39'33" W.; thence west to 36°12'35" N., Long. 111°45'44" W.; thence west and north along the GCNP boundary to Lat. 36°14'05" N., Long. 111°48'34" W.; thence southwest to Lat. 36°12'06" N., Long. 111°51'14" W.; to the point of origin; but not including the airspace at and above 10,500 feet MSL within 1 nautical mile of the western boundary of the zone. The corridor to the west between the Desert View and Bright Angel Flight-free Zones, is designated the "Zuni Point Corridor." \* \* \*

(b) \* \* \* The Bright Angel Flight-free Zone does not include the following airspace designated as the Bright Angel Corridor: That airspace one-half nautical mile on either side of a line extending from Lat. 36°14'21.24" N., Long. 112°08'57.54" W. and Lat. 36°14'15.32" N., Long. 111°55'07.32" W.

\* \* \* \* \*

(d) Sanup Flight-free Zone. That airspace extending from the surface up to but not including 8,000 feet MSL within an area bounded by a line beginning at Lat. 35°59'32" N., Long. 113°20'28" W.; west to Lat. 36°00'55" N., Long. 113°42'09" W.; southeast to Lat. 35°59'57" N., Long. 113°41'09" W.; to Lat. 35°59'09" N., Long. 113°40'53" W.; to Lat. 35°58'45" N., Long. 113°40'15" W.; to Lat. 35°57'52" N., Long. 113°39'34" W.; to Lat. 35°56'44" N., Long. 113°39'07" W.; to Lat. 35°56'04" N., Long.

113°39'20" W.; to Lat. 35°55'02" N., Long. 113°40'43" W.; to Lat.  
35°54'47" N., Long 113°40'51" W.; southeast to Lat. 35°50'16"  
N., Long. 113°37'13" W.; thence along the park boundary to the  
point of origin.

\* \* \* \* \*

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/s/

Reginald C. Matthews

Acting Program Director, Air Traffic Airspace Management Program